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6 Attorneys for Defendant

7 UNITED STATES DISTRICT COURT  
8 NORTHERN DISTRICT OF CALIFORNIA  
9

10 MICHAEL C. DAVIS,

11 Plaintiff,

12 v.

13 BOSS/MASC,  
14 Defendant,

15 COMMISSIONER OF SOCIAL  
16 SECURITY,  
Defendant.  
17

CIVIL NO. 07-4524

DECLARATION OF MICHAEL HANSON

18 DECLARATION OF MICHAEL HANSON

19 I, Michael Hanson, pursuant to 28 U.S.C. § 1746, declare and state as follows:

- 20 1. I am a Program Specialist for the San Francisco Regional Office of the Social Security  
21 Administration, an agency of the United States of America and, in such capacity, I am  
22 authorized to make this affidavit for and on behalf of the Commissioner  
23 ("Commissioner") of the Social Security Administration ("SSA") and having personal  
24 knowledge of the facts hereinafter stated or having knowledge thereof by reason of the  
25 SSA's records kept in the normal course of its business.
- 26 2. On May 1, 2000, SSA found that Michael Davis qualified for supplemental security  
27 income ("SSI"), with benefits effective December 1999 and continuing.  
28


- 1        3.     Also on May 1, 2000, SSA disbursed an advance benefit payment of \$765.00 to the
- 2        Plaintiff because of a dire need circumstance.
- 3        4.     On May 2, 2000, SSA certified Plaintiff's SSI benefit payments to Building Opportunities
- 4        for Self Support (BOSS) as Plaintiff's representative payee, in accordance with 20 C.F.R.
- 5        § 416.601, et. seq.
- 6        5.     Thereafter, Plaintiff's SSI benefit payments were made by SSA to BOSS to use on
- 7        Plaintiff's behalf and for his benefit.
- 8        6.     For the year 2000, Plaintiff's monthly SSI benefit payment was \$766.00 for each of the
- 9        months from January through September, \$540.00 for the month of October, and \$0.00
- 10       for each of the months, November and December.
- 11       7.     Plaintiff's eligibility for SSI was suspended effective November 2000 due to his
- 12       incarceration.
- 13       8.     On December 8, 2000, a check in the amount of \$765.00 was returned to the SSA.
- 14       9.     The returned check had been intended as payment of Plaintiff's October 2000 SSI
- 15       benefits.
- 16       10.    The pertinent data base shows that Plaintiff was underpaid in the amount of \$540.00 for
- 17       October 2000.
- 18       11.    Plaintiff was not due the full \$765.00 SSI benefit payment for October 2000 because of a
- 19       change in his state of residency to the state of Washington, for which a lower state
- 20       supplementation rate was payable.
- 21       12.    Plaintiff's eligibility for SSI terminated effective November 2001 due to his incarceration
- 22       for 12 continuous months.
- 23       13.    On March 28, 2004, Plaintiff filed another application for SSI benefits.
- 24       14.    On June 9, 2004, SSA found that Plaintiff again qualified for SSI benefits, with benefits
- 25       payable effective April 2004 and continuing.
- 26       15.    On June 9, 2004, retroactive SSI benefit payments due the Plaintiff for the months of
- 27       April through June 2004 were forwarded to the Department of Social and Health Services
- 28       in Olympia, Washington, because Plaintiff had agreed to repay the King County

Department of Social Services for general assistance received while Plaintiff's SSI application was being processed.

16. On June 28, 2004, the Social Security Administration issued an SSI benefit payment of \$542.00 to the Plaintiff, including \$540.00 in fulfillment of the outstanding underpayment for October 2000.
17. The pertinent United States Treasury Department database shows that this SSI benefit payment check for \$542.00 was cashed. (A paper copy of Treasury's online image of the cancelled check is attached as Exhibit 1).
18. On August 18, 2004, SSA issued an SSI benefit payment of \$7.00 to Plaintiff in fulfillment of an outstanding underpayment of \$1.00 per month for the months of March 2000 through September 2000.
19. No available SSA information or evidence indicates that any other SSI monies paid to BOSS for the Plaintiff were returned to SSA in the year 2000 or later.
20. On July 25, 2005, Plaintiff filed a request for reconsideration, alleging that SSA had not returned \$880.00 that BOSS/MASC had returned to SSA when he had left for Seattle, Washington, in the fall of 2000 (Exhibit 2); there is no evidence in SSA's records that SSA ever issued an Initial Determination or other written notice to Plaintiff regarding this matter.

I declare, under penalty of perjury, that the foregoing is true and correct.

Executed this 13th day of March 2008.

  
 Michael Hanson  
 Program Specialist  
 SSI Team  
 Region IX  
 Social Security Administration

# EXHIBIT 1

03/13/2008 15:13 FAX

2002

United States Treasury

15-81  
000

K 367,907,115

Check No.

4022 09155827

06 28 04 83 KANSAS CITY, MO

09155827 WK K

Pay to  
the order of

MICHAEL DAVIS  
MICHAEL C DAVIS  
901 LENORA ST  
SEATTLE WA 98121

FOR 27 SSI

\$\*\*\*\*542\*00

ACTION REGIONAL  
RESOLVING OFFICER

VOID AFTER ONE YEAR

007

*[Signature]*

1000000518

09155827 120604 00000054200

03/13/2008 15:14 FAX

003

081000045

07/02/04

0400122486

RECEIVED AMERICAN SEC  
01/25/04 09:24 11:28 PM  
00000122486 07/02/04

0450620489

FOR DEPOSIT ONLY  
SEATTLE  
CAPITAL COLLECTIVE  
DBA CAPITAL

*[Handwritten signature]*

## EXHIBIT 2

SOCIAL SECURITY ADMINISTRATION

TOE 710

Form Approved  
OMB No. 0980-0622

## REQUEST FOR RECONSIDERATION

(Do not write in this space)

NAME OF CLAIMANT

Michael C. Davis

NAME OF WAGE EARNER OR SELF-EMPLOYED  
PERSON (If different from claimant)

SOCIAL SECURITY CLAIM NUMBER

188 52-0413

SUPPLEMENTAL SECURITY INCOME (SSI) OR SPECIAL  
VETERANS BENEFITS (SVB) CLAIM NUMBER

SPOUSE'S NAME (Complete ONLY in SSI cases)

SPOUSE'S SOCIAL SECURITY NUMBER  
(Complete ONLY in SSI cases)

BERKELEY, CA

JUL 2 - 2005

SSA DISTRICT OFFICE

CLAIM FOR (Specify type, e.g., retirement, disability, hospital insurance, SSI, SVB, etc.)

Funds that was returned to SSA by payee/Anthony Alcott

I do not agree with the determination made on the above claim and request reconsideration. My reasons are:

Anthony Alcott - For ROSS - MASC. Payee Service in Berkeley, CA  
had returned \$880 to SSA when I had left for Seattle, WA  
in the fall of 2000. But SSA claims no funds was return.

## SUPPLEMENTAL SECURITY INCOME OR SPECIAL VETERANS BENEFITS RECONSIDERATION ONLY

(See the three ways to appeal in the How To Appeal Your Supplemental Security Income Or Special Veterans Benefit Decision Instructions.)

"I want to appeal your decision about my claim for Supplemental Security Income (SSI) or Special Veterans Benefits (SVB). I've read about the three ways to appeal. I've checked the box below."

☐ Case Review☐ Informal Conference☒ Formal Conference

## EITHER THE CLAIMANT OR REPRESENTATIVE SHOULD SIGN - ENTER ADDRESSES FOR BOTH.

I declare under penalty of perjury that I have examined all the information on this form, and on any accompanying statements or forms, and it is true and correct to the best of my knowledge.

CLAIMANT SIGNATURE

Michael C. Davis

SIGNATURE OR NAME OF CLAIMANT'S REPRESENTATIVE

☐ NON-ATTORNEY ☒ ATTORNEY

If needed

MAILING ADDRESS

344 13th. St. #614

MAILING ADDRESS

CITY

Oakland

STATE

CA

ZIP CODE

94612

CITY

STATE

ZIP CODE

TELEPHONE NUMBER (Include area code)

(510) 555-1234

DATE

7/21/05

TELEPHONE NUMBER (Include area code)

DATE

## TO BE COMPLETED BY SOCIAL SECURITY ADMINISTRATION

See list of initial determinations

1. HAS INITIAL DETERMINATION  
BEEN MADE?☒ YES☐ NO2. CLAIMANT INSISTS  
ON FILING☒ YES☐ NO

3. IS THIS REQUEST FILED TIMELY?

(If "NO", attach claimant's explanation for delay and attach only pertinent letter, material, or information in social security office.)

☒ YES☐ NO

RETIREMENT AND SURVIVORS RECONSIDERATIONS ONLY (CHECK ONE) REFER TO (GN 03102.125)

☐ NO FURTHER DEVELOPMENT REQUIRED (GN 03102.125)☐ REQUIRED DEVELOPMENT ATTACHED☐ REQUIRED DEVELOPMENT PENDING, WILL FORWARD OR ADVISE STATUS  
WITHIN 30 DAYSSOCIAL SECURITY OFFICE  
ADDRESSROUTING  
INSTRUCTIONS  
(CHECK ONE)☐ DISABILITY DETERMINATION  
SERVICES (ROUTE WITH  
DISABILITY FOLDER)☐ ODO, BALTIMORE☐ PROGRAM SERVICE CENTER☐ OIO, BALTIMORE☐ OEO, BALTIMORE☐ DISTRICT OFFICE  
RECONSIDERATION☐ CENTRAL PROCESSING  
SITE (SVB)

NOTE: Take or mail the signed original to your local Social Security office, the Veterans Affairs Regional Office in Manila or any U.S. Foreign Service post and keep a copy for your records.

Form SSA-561-U2 (7-2003) of (7-2003) Destroy Prior Editions

Claims Folder



**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that she is an employee of the Office of the United States Attorney for the Northern District of California and is a person of such age and discretion to be competent to serve papers. The undersigned further certifies that she is causing a copy of the following:

**Declaration of Michael Hanson with Exhibits 1-2.**

to be served this date upon the party in this action by placing a true copy thereof in a sealed envelope, and served as follows:

- ☒ FIRST CLASS MAIL by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- ☐ CERTIFIED MAIL (# ) by placing such envelope(s) with postage thereon fully prepaid in the designated area for outgoing U.S. mail in accordance with this office's practice.
- ☐ PERSONAL SERVICE (BY MESSENGER)
- ☐ FEDERAL EXPRESS via Priority Overnight
- ☐ EMAIL
- ☐ FACSIMILE (FAX)

to the party(ies) addressed as follows:

Michael C. Davis, Pro Se  
2362 Bancroft Way  
Berkeley, CA 94704

Robert Barrer, Esq.  
BOSS/MASC  
2065 Kittredge Street, Ste. E  
Berkeley, CA 94704  
PH: 510.649.1930 FX: 510.649.0627  
Website: www-selfsufficiency.org

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this March 17, 2008 at San Francisco, California.

/s/  
LILY HO-VUONG  
Legal Assistant